

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Petitioner,  vs.  00 OPERATOR SERVICES,  Respondent.	DOCKET NO. FCU-03-38
--	----------------------

**ORDER APPROVING SETTLEMENT AGREEMENT  
AND ASSESSING CIVIL PENALTIES**

(Issued October 22, 2003)

On June 6, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a "Petition for Proceeding to Impose Civil Penalties" for alleged cramming violations committed by 00 Operator Services. The petition was amended and substituted on June 18, 2003.

In the petition, Consumer Advocate asserted that on various dates in May and June 2003, 24 Iowa customers submitted cramming complaints against 00 Operator Services. The complaints alleged that 00 Operator Services billed the complaining customers for telecommunications services without authorization in violation of Iowa's anti-cramming law, Iowa Code § 476.103 (2003).

In 22 of the cases, Board staff concluded that 00 Operator Services crammed those customers. Board staff did not reach a specific conclusion in the remaining two

complaints. Board staff also noted that 00 Operator Services credited all 24 customers.

On September 22, 2003, the parties to this docket, Consumer Advocate and 00 Operator Services, submitted a joint motion for approval of a settlement. The settlement agreement addresses all issues in the docket and includes a monetary penalty against 00 Operator Services in the 24 alleged cases in the total amount of \$4,000.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on September 22, 2003, is granted, and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed September 22, 2003, 00 Operator Services is assessed a civil penalty in the amount of \$4,000. Payment is due within 30 days of the date of this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 22<sup>nd</sup> day of October, 2003.